

**SUPREME COURT MINUTES
TUESDAY, SEPTEMBER 11, 2007
SAN FRANCISCO, CALIFORNIA**

S153103 B187176 Second Appellate District, Div. 4 **PEOPLE v. RIVERA**
Transferred to CA 2/4 after hold he above-entitled matter is transferred to the Court of Appeal for the Second Appellate District, Division Four, with directions to vacate its decision and reconsider the cause in light of *People v. Licas* (2007) 41 Cal.4th 362. (Cal. Rules of Court, rule 8.528(d).)
Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno and Corrigan, JJ.

S154859 H029461 Sixth Appellate District **PEOPLE v. RUBIO**
Petition for review denied

S155223 C050213 Third Appellate District **PEOPLE v. SAETEURN**
Petition for review denied

S155447 E040191 Fourth Appellate District, Div. 2 **PEOPLE v. DESPER**
Petition for review denied

S151820 **JOHNSON (TIMOTHY D.) ON H.C.**
Petition for writ of habeas corpus denied

S152161 **CHEATHAM (HARRY) ON H.C.**
The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S155422 **BROWNLOW (GREGORY) ON H.C.**
Petition for writ of habeas corpus denied

S137770 E034568 Fourth Appellate District, Div. 2 **GREEN v. STATE OF CALIFORNIA**

The time extending or denying to consider modification or rehearing to and including November 21, 2007.

S029843 **PEOPLE v. BECK & CRUZ**

Good cause appearing, and based upon Deputy Attorney General David M. Baskind's representation that he anticipates filing the respondent's brief by October 3, 2008, counsel's request for an extension of time in which to file that brief is granted to November 5, 2007. After that date, only six further extensions totaling about 330 additional days are contemplated.

S049626 **PEOPLE v. HAJEK & VO**

Good cause appearing, and based upon counsel Doron Weinberg's representation that he anticipates filing appellant Loi Tan Vo's opening brief by November 3, 2007, counsel's request for an extension of time in which to file that brief is granted to November 5, 2007. After that date, no further extension is contemplated.

S054774 **PEOPLE v. TAYLOR (KEITH DESMOND)**

Good cause appearing, and based upon Deputy State Public Defender Ellen J. Eggers's representation that she anticipates filing the appellant's reply brief by January 1, 2008, counsel's request for an extension of time in which to file that brief is granted to November 6, 2007. After that date, only one further extension totaling about 56 additional days will be granted.

S064733 **PEOPLE v. ABEL (JOHN C.)**

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including November 13, 2007.

S066940 **PEOPLE v. CLARK (WILLIAM)**

Good cause appearing, and based upon counsel Peter Giannini's representation that he anticipates filing the reply brief by April 30, 2008, counsel's request for an extension of time in which to file that brief is granted to November 9, 2007. After that date, only three further extensions totaling about 170 additional days will be granted.

S073823**PEOPLE v. BUENROSTRO
(DORA)**

Good cause appearing, and based upon Supervising Deputy State Public Defender Nina Rivkind's representation that she anticipates filing the appellant's opening brief by July 26, 2007, counsel's request for an extension of time in which to file that brief is granted to November 13, 2007. After that date, only five further extensions totaling about 255 additional days will be granted.

S075875**PEOPLE v. RUSSELL
(TIMOTHY R.)**

Good cause appearing, and based upon Supervising Deputy Attorney General Rhonda L. Cartwright-Ladendorf's representation that she anticipates filing the respondent's brief by October 11, 2007, counsel's request for an extension of time in which to file that brief is granted to October 10, 2007. After that date, no further extension is contemplated.

S077524**PEOPLE v. SALAZAR
(MAGDALENO)**

Good cause appearing, and based upon Deputy State Public Defender Ellen J. Eggers's representation that she anticipates filing the appellant's opening brief by October 1, 2008, counsel's request for an extension of time in which to file that brief is granted to November 6, 2007. After that date, only six further extensions totaling about 325 additional days are contemplated.

S079925**PEOPLE v. MORA & RANGEL**

On application of appellant Joseph Adam Mora and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including November 13, 2007.

S083899**PEOPLE v. BOOKER
(RICHARD)**

Good cause appearing, and based upon Acting Senior Assistant Attorney General Gil Gonzalez's representation that he anticipates filing the respondent's brief by September 11, 2007, counsel's request for an extension of time in which to file that brief is granted to September 12, 2007. After that date, no further extension is contemplated.

S144759**BLAIR (JAMES) ON H.C.**

Good cause appearing, and based upon counsel David A. Nickerson's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by December 3, 2007, counsel's request for an extension of time in which to file that document is granted to November 5, 2007. After that date, only one further extension totaling about 30 additional days is contemplated.

S151615 B191879 Second Appellate District, Div. 8**AMALGAMATED TRANSIT
UNION v. S.C. (FIRST
TRANSIT, INC.)**

On application of real party in interest Progressive Transportation Services and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to and including October 19, 2007.

S152695 C047502/C048283 Third Appellate District**PEOPLE v. ANDERSON**

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to and including October 12, 2007.

S153844 B199505 Second Appellate District, Div. 2**ALEXANDER v. S.C. (PEOPLE)**

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to and including September 14, 2007. The answer must be filed by facsimile at (415) 865 7183 by 9:00 a.m. with original and 13 hard copies to follow by mail. The petitioner will then have five (5) days within which to serve and file a reply to the answer to the petition for review.

S153176 B189432 Second Appellate District, Div. 6**PEOPLE v. RIZO**

The order filed on July 23, 2007, appointing the California Appellate Project to represent appellant Rodrigo R. Rizo is hereby vacated. Upon request of appellant for appointment of counsel, Barbara Michel is hereby appointed to represent appellant on the appeal now pending in this court effective September 10, 2007.

S153455 B185929 Second Appellate District, Div. 7**PEOPLE v. REYES**

Upon request of appellant for appointment of counsel, Joanna McKim is hereby appointed to represent appellant on the appeal now pending in this court.

S153920 B190270 Second Appellate District, Div. 5 **PEOPLE v. CHAVEZ**

Upon request of appellant for appointment of counsel, Lise M. Breakey is hereby appointed to represent appellant on the appeal now pending in this court. Appellant's opening brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S153170 F050325 Fifth Appellate District **PEOPLE v. GASTELLO**

Notwithstanding this court's order of August 7, 2007, the People, respondents in the Court of Appeal, are designated as petitioners in this court, and are directed to file an opening brief on the merits within (30) days from the date of this order. Appellant shall file an answer brief on the merits within (30) days after the People file their brief. Appellant's request for an extension of time to file an opening brief on the merits is denied as moot.

S155824 **SIMMONS v. S.C. (PEOPLE)**

The above entitled matter is transferred to CA 6 for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S155835 **LILLY v. S.C. (PEOPLE)**

The above entitled matter is the above entitled matter is transferred to CA 5 for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S156024 **ROGERS v. S.C. (PERANTONI)**

The above entitled matter is transferred to CA 4/2 for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S156071 **SMITH v. S.C. (PEOPLE)**

The above entitled matter is transferred to CA 3 for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S154371**NELSON ON DISCIPLINE**

It is ordered that **PATRICIA L. NELSON, State Bar No. 06-O-11460**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that she be placed on probation for two years on condition that she be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed May 15, 2007. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and are enforceable both as provided in Business and Professions Code § 6140.7 and as a money judgment.

S154373**MAJORS ON DISCIPLINE**

It is ordered that **PAUL J. MAJORS, State Bar No. 153641**, be suspended from the practice of law for one year and until he makes restitution to Michael and Holly Jurgensen in the amount of \$3,000 plus 10% interest per annum from December 18, 2003 (or to the Client Security Fund to the extent of any payment from the fund to Michael and Holly Jurgensen, plus interest and costs, in accordance with Business and Professions Code § 6140.5), and furnishes satisfactory proof thereof to the State Bar's Office of Probation in Los Angeles, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 22, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10, and one-half of said costs be paid with membership fees for the years 2008 and 2009. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code § 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code § 6140.7 and as a money judgment.

S154375**BAUTISTA ON DISCIPLINE**

It is hereby ordered that **MARIO ANTONIO BAUTISTA, State Bar No. 188173**, be summarily disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court and to perform the acts specified in paragraphs (a) and (c) of that rule within 30 and 45 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and are enforceable both as provided in Business and Professions Code § 6140.7 and as a money judgment. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S154377**MILLER ON DISCIPLINE**

It is ordered that **JAMES R. MILLER, aka JAMES R. MILLER, III, State Bar No.198567**, be suspended from the practice of law for four years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for six months and until he: (1) makes restitution to Christina Petro in the amount of \$1,000 plus 10% interest per annum from October 7, 2005; and (2) makes restitution to Claudia St. Pierre in the amount of \$1,000 plus 10% interest per annum from January 19, 2005 (or to the Client Security Fund to the extent of any payment from the fund to Christina Petro and Claudia St. Pierre, plus interest and costs, in accordance with Business and Professions Code § 6140.5), and furnishes satisfactory proof thereof to the State Bar's Office of Probation in Los Angeles; (3) obeys the Los Angeles Superior Court's order in case number BC305801 by paying sanctions in the amount of \$1,872.60 plus 10% interest per annum from July 4, 2004, and furnishes satisfactory proof thereof to the State Bar's Office of Probation; (4) obeys the Los Angeles Superior Court's order in case number BC305801 by paying sanctions in the amount of \$1,872.60 plus 10% interest per annum from July 28, 2004, and furnishes satisfactory proof thereof to the State Bar's Office of Probation; and (5) obeys the Los Angeles Superior Court's order in case number BC305801 by paying sanctions in the amount of \$3,940 plus 10% interest per annum from March 30, 2005, and furnishes satisfactory proof thereof to the State Bar's Office of Probation as recommended by the Hearing Department of the State Bar Court in its decision filed on May 9, 2007, as modified by its order filed May 22, 2007, and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code § 6140.5, subdivisions (c) and (d). Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar*

(1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and are enforceable both as provided in Business and Professions Code § 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (Motion No. 780)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place: (See original application for the attached list of names.)

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (Motion No. 781)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place: (See original application for the attached list of names.)

B201524

HUBER v. JACKSON

The above entitled matter, now pending in the Court of Appeal, Second Appellate District is transferred to the Court of Appeal, Fourth Appellate District.